



PUBLIC NOTICE

Federal Communications Commission
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DA 02-3102
November 8, 2002

**COMMENTS INVITED ON TXU COMMUNICATIONS TELECOM SERVICES
COMPANY AND FORT BEND LONG DISTANCE COMPANY D/B/A TXU
COMMUNICATIONS APPLICATION TO DISCONTINUE DOMESTIC
TELECOMMUNICATIONS SERVICES**

Comp. Pol. File No. 613

Comments Due: November 22, 2002

Section 214 Application

Applicant: TXU Communications Telecom Services Company and Fort Bend Long Distance Company, d/b/a TXU Communications

On October 25, 2002, TXU Communications Telecom Services Company and Fort Bend Long Distance Company, d/b/a TXU Communications (TXU or Applicant), located at P.O. Box 909, Lufkin, TX 75901, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,¹ to discontinue certain interstate telecommunications services.

The application indicates TXU intends to discontinue its local residential operations in Texas. The interstate communications services to be discontinued are (a) end-user access line service; and (b) interstate switched access services provided to interexchange carriers. The affected customers consist of all TXU local residential customers in the State of Texas, except those residential customers to whom TXU provides service pursuant to a contractual arrangement.² On October 25, 2002, TXU provided written customer notice to the affected customers. Discontinuance is scheduled to begin on or after December 9, 2002.

The application states that the end user customers affected by the proposed discontinuance are currently served either by resale of wholesale local exchange services provided by

¹ 47 U.S.C. § 214(a). *See also* 47 C.F.R. § 63.71.

² TXU plans to discontinue its provision of service to such customers following the expiration of the contracts.

Southwestern Bell Telephone Company (SWBT), or by TXU, via use of a combination of unbundled network elements obtained from SWBT and TXU's own facilities. TXU customers may make new arrangements with service providers of their choice, however, where a customer takes no action, TXU has made arrangements with SWBT for a seamless transition of such customers to SWBT's retail local exchange service. TXU's application states that as a result, no customer's service will be interrupted or disconnected as a result of this TXU's discontinuance of service. TXU believes that all interexchange carriers currently purchasing switched access service from TXU also obtain similar services from SWBT, and will be able to continue originating and terminating interexchange services by means of SWBT switched access service without interruption.

In accordance with section 63.71(c), the application will be deemed automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective.³ The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁵ interested parties may file comments on or before **November 22, 2002**. Such comments should refer to **Comp. Pol. File No. 613**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S.

³ 47 C.F.R. § 63.71(c).

⁴ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

⁵ 47 C.F.R. §§ 1.415, 1.419.

Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or John Adams (202) 418-0394 (voice), jkadams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

-FEDERAL COMMUNICATIONS COMMISSION-